

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

THE FARMWORKER ASSOCIATION
OF FLORIDA INC., *et al.*,

Plaintiffs,

v.

Case No. 1:23-cv-22655-RKA

RONALD D. DESANTIS, in his official capacity
as Governor of the State of Florida, *et al.*,

Defendants.

**ATTORNEY GENERAL’S AND STATEWIDE PROSECUTOR’S
CONSENT MOTION TO STAY RESPONSE TO PLAINTIFFS’ COMPLAINT**

Defendants the Attorney General and Statewide Prosecutor (the “State Defendants”)¹ ask the Court to stay their deadline to respond to Plaintiffs’ Complaint, Doc. 1, until after the Court rules on Plaintiffs’ Motion for Preliminary Injunction, Doc. 30. Plaintiffs consent to the State Defendants’ request. Within 14 days of a decision on Plaintiffs’ Motion for Preliminary Injunction, the parties will notify the Court how they wish to proceed. In support of this relief, the State Defendants state as follows:

1. The State Defendants’ response to Plaintiffs’ Complaint is due September 25, 2023.
2. Pending before the Court is Plaintiffs’ Motion for Preliminary Injunction, Doc. 30, which will be fully briefed this Friday, September 22.
4. The State Defendants believe that an interlocutory appeal is likely following this Court’s decision on that motion. And even if the Court denies the pending Motion to Proceed

¹ Defendant Governor Ron DeSantis has already moved to dismiss the Complaint against him because he is an improper party, Doc. 51, and the claims against the State Attorneys are stayed, Doc. 44.

Anonymously, Doc. 29, and then denies the Motion for Preliminary Injunction as moot, a denial of anonymous treatment is also subject to interlocutory appeal, *S. Methodist Univ. Ass'n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 711–12 (5th Cir. 1979).

6. The State Defendants anticipate moving to dismiss for substantially similar grounds as those raised in their Response to Plaintiffs' Motion for Preliminary Injunction. *See* Doc. 50.

7. In light of these similarities, the likeliness of an interlocutory appeal that may provide further clarity from the Eleventh Circuit, and the parties' desire to preserve this Court's resources and their own, the State Defendants respectfully ask the Court to stay its deadline to respond to the Complaint.

8. Within 14 days of this Court ruling on the pending Motion for Preliminary Injunction, Doc. 30, the parties will notify the Court regarding how they wish to proceed.

CONCLUSION

For the foregoing reasons, the Court should stay the deadline for the State Defendants to respond to Plaintiffs' Complaint and order the parties to jointly notify the Court of how they wish to proceed within 14 days of a ruling on Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted,

ASHLEY MOODY
ATTORNEY GENERAL

/s/ James H. Percival
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CERTIFICATE OF GOOD FAITH CONFERENCE

Counsel for the State Defendants conferred with counsel for Plaintiffs by email and counsel for Defendant Governor Ron DeSantis by phone. Plaintiffs and Defendant DeSantis consent to the requested relief.

/s/ James H. Percival
James H. Percival

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which provides notice to all parties, on this 18th day of September, 2023.

/s/ James H. Percival
James H. Percival